IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.13605 of 1995

Between:

C. Madhura Vani, W/o C.Munakrishna Reddy, hindu,
r/o H.No.43, Ramnagar Quarters, Tirupathi, Chittoor Dist.

..... PETITIONER

AND

The Tirupathi Municipalilty, Tirupati, Chittoor Dist., rep by its

Commissioner.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari, or any other appropriate writ, order or direction, calling for the records relating to the Proceedings Vide G.A.No.85/95/G2, dt.22-5-1995 issued by the respondent, and quash the same, as wholly arbitrary, highly illegal, unjust, constitutional, and without jurisdiction, and consequently direct the respondent, to sanction the plan submitted by the petitioner on 15-4-1995 forthwith.

Counsel for the Petitioner: MR.D.RAMESH

Counsel for the Respondent: MR. K. Bathi Reddy

The Court made the following:

ORDER:

This writ petition is filed seeking to quash the proceedings of the respondent in G.A.No.85/95/G2, dated 22.05.1995 and to direct the respondent to sanction the building plan submitted by the petitioner on 15.04.1995.

The case of the petitioner, in brief, is that she purchased an extent of Ac.0.15 cents in Survey No.479/1 of Tirupati village from its original owner, namely, A.V. Balakrishna Reddy under a registered sale deed dated 27.01.1995 and since then she has been in possession and enjoyment of the same. The grievance of the petitioner is that on 15.04.1995 she submitted an application to the respondent for approval of a building plan, proposed to have been constructed in a portion of the above said land, but the respondent under the proceedings, impugned herein, has rejected the same.

The writ petition was admitted as long back as on 23.08.1995, but, no counter-affidavit is filed by the respondent so far. When the matter is taken up today, learned Standing Counsel appearing for the respondent submits that in spite of his repeated letters addressed to the respondent, there is no response from the respondent and he reported no instructions in the matter.

Having regard to the facts and circumstances of the case, it can be presumed that the respondent is not interested in prosecuting the case and the averments made in the affidavit filed in support of the petition are remained unrebutted. Hence, accepting the averments made by the petitioner, the Writ Petition is allowed as prayed for. No costs.

(N.V. RAMANA, J)

Date: 17.11.2004

Nsr/Tvk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Seventeenth Day of November, Two Thousand and Four.

To

1. The Commissioner, Tirupathi Municipalilty, Tirupati, Chittoor Dist.

2. Two CD copies.

To

1 The Tirupathi Municipalilty, Tirupati, Chittoor Dist., rep by its

Commissioner.
2 Two CD copies.